

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RUSSELL STOKES,)	CASE NO. 1:09CV399
)	
PETITIONER,)	JUDGE PETER C. ECONOMUS
)	
V.)	
)	
BENNY KELLY,)	
Warden,)	ORDER
)	
RESPONDENT.)	
)	

This matter is before the Court upon a petition for a writ of habeas corpus filed by Russell Stokes (“Petitioner”), pursuant to 28 U.S.C. § 2254. (Dkt. # 1).

On April 29, 2009, this case was automatically referred to Magistrate Judge James S. Gallas for preparation of a Report and Recommendation, pursuant to 28 U.S.C. § 636 and LR 72.1. On March 1, 2010, the Magistrate Judge issued a report and recommendation, recommending that the Court deny the instant petition because Petitioner has failed to demonstrate that he is in custody pursuant to a state court judgment that resulted from a decision that is contrary to or an unreasonable application of federal law. (Dkt. # 10).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within fourteen (14) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge’s recommendation. Any further review by this Court would be

a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

The Court has reviewed the report and recommendation of the Magistrate Judge *de novo*, and finds that it is well-supported. Therefore, the Report and Recommendation of Magistrate Judge Gallas (Dkt. # 10) is hereby **ADOPTED**, and Petitioner's petition for a writ of habeas corpus is **DENIED**.

IT IS SO ORDERED.

/s/ Peter C. Economus – March 23, 2010
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE